socs, that it will indeed be the nursing mother of a well-trained and thoroughly instructed progeny.

ARREST OF A BURGLAR-His RESCUE BY THE RECULATORS."-About 6 o'clock on Sanday evening, Be Officer Easterbrook of the Eighteenth Precinct was Patrolling his beat, be detected a fellow in the act of burplariously entering the drug-store of Isaac W. Litler, No. 256 East Eighteenth street, corner of First avenue by breaking out one of the panels of the door, and forthwith arrested him. While conducting the burglar to e Station, Officer Easterbrook was suddenly attacked by a gang of rowdles known as the "Regulaters," smong whom he recognized an old offender ramed Barney McGaffaey. Notwithstanding the fearfal odds the officer had to contend against, he fought the crowd with a good will, until his prisoner was

taken from him and hustled off by the rowcies.

Repairing forthwith to the Station-House, Officer Easterbrook apprised Capt. Beanett of the condition of sours. Two plateens of policemen were dispatched under the command of Sergeants Burden and Potter, in search of the offenders. The men marched to the averue in solid body, and soon came up with the "Regulators," who now turned and commenced a furious attack upon the police. The rowdies in a little time ga Greessions to their ranks, and fought like madmen had be hooting and hallooing caused by the rioters d my sarge crowd to the avenue, and at one time there were from 1,200 to 1,500 people present. Many women were among the crowd, and by their eries, urged on the rioters. The police were not sparing with their "locusts," and dealt their blows right and left, and with such a determination and will, that many of the rioters were glad to back out and hates home and bind up their broken heads.

Officer Easterbrook arrested Isaac Doe, whom he caught in the act of rioting and throwing stones.

Officer Tiernan and others arrested John S. Gardner, John Dugan and John Savage, charged with rioting

and inciting to riot. Officer Carey arrested Patrick Laughlin and Patrick

McGuire.

A recoforcement from the Seventeenth Precinct having been obtained, another sortie was made upon the rioters, which resulted in the arrest of Barney McGaffney and Patrick Weston, the man who at tempted to rob Mr. Litler's drug store. The combined reserve forces of the Eighteenth and Seventeenth Police Precincts soon scattered the rioters, and by nidnight all was quiet. Many of the "Regulators' were badly used by the Police, and received any quantity of contusions about the heads from the locust

The prisoners were taken to the Eighteenth Ward Station-House for the night, and locked up. Yesterday morning they were taken to the Jefferson Market Police-Court, and arraigned before Justice Flandreau. Patrick Weston was committed for trial in default of Acco bail.

Isaac Due was committed in default of \$1,000 bail. John S Gardner and John Dugan were also locked

up in defeault of \$1,000 each.

John Savage was held in the cum of \$1,000, Charles Higgins of No. 272 East Righteenth street becoming

Patrick Laughlia was committed in default of \$500. Patrick McGuire was bailed in the sum of \$500, Bernard Reilly of No. 202 Thirteenth street becoming his surety.

Upon the person of McGaffney was found a piece of gas pipe, one end of which was filled with lead and an oyster knife. The magistrate committed him in default of \$5,000 for trial The accused is 19 years of age, and was born in New-York.

THE LATE ASSAULT UPON ENGINE Co. No. 41-RE-ARREST OF THE MAN DISCHARGED BY ALD. CLANCY.—As reported in yesterday's TRIBUNE, Jo-seph H. Daly, a member of Engine Co. No. 21, was arrested on Saturday night, by the Second Preciact Police, charged with firing a pistol at the members of Singino Co. No. 41, as they were passing the corner of Chatham and Mulberry streets, during the turnout of firemen in honor of the return home of Protector Engine Co. No. 12. Daly was detained in the Station-House for the night, and on Sunday morning taken to the Lower Police Court, before Ald. Clancy, acting Magistrate, who discharged him from custody, on the ground that the evidence was insufficient. The following affidavits were made yesterday before Justice Welsh, who issued his warrant for the arrest of Daly, and in a short time thereafter the accused was brought into Court. Ald. Cancy alleged as a reason for his discharging the accused that the officers did not then produce the same proof that they have since put in

Stephen D. O'Keefe of the Second Patrol Precinct, being day sworn, deposes and says, that he was one of the police secort mentioned in the annexed affidavit of Officer Brooks; deponent heard the hallocine and jeering on the side walk; heard the expressions 'Yaller gal you are rot cock of the walk now," "We'll take you by and by, sous of bees," hooting and hallocine saw the short fired, and saw the crowd from among

econts mentioned in the amexed affidavit of Officer Brooks deponent heard the hallooing and jeering on the side walk, heard the expressions. Yaller all you are rot cock of the walk now." We'll take you by and by, sons of b -ex," hooting and hallooing saw the shots fired, and saw the crowd from aming whom the shot came run immediately after the firing; Daly wa among them, and run in the same direction that they did; deponent arrested him; deponent aw him stoop, raise up immediately, and run toward the doorway in which he was arrested; the number of the fireman's bade was 2,100; he told deponent that he was a member of Engine Co. No. 21; he said that he was present in Broadway on the same evening when he Company of Engine of was intelled that he was present in Broadway, near Worth street, first came hem persons belouging to the Company of 41.

William H. Brocks of the Second Patrol District, being duly svorz, deposes and says—That about midnight of the 26th inst. deponent, with other officers of the Metropolitus Police, was accompanying the members of Engine Co. No. 41, who were reterring some from a parade, and while said officers and members were passing up Chatham street, mear the corner of Mulberry street at said city, leponent saw a man named Joseph Daly, who was standing on the west side of Chatham street, present a pistol at and toward said members and officers and sixcharge the same; after discharging the said pistol the said Daly stooped down with his hands apparently close to the side walk and remained in that position for an instant and then arous and fan toward the corner of Chatham and Orange streets; deponent pusued him and close to him the said Daly ran up to the closed coor of a building, when deponent and Officers of Neefs Land and Van Aradle of said Second Patrol arrested and secured him; he had on the inside of his coat a fire badge, about the time said Daly fired the said Daly rate of persons, some of whom and patrolarly to the same time appreciate the said of the said of the same time appreci

to hold the accused, and required him to find bail for his appearance in the sum of \$2,000; which was forth-

o ming, and he was discharged.

Daip is 27 years of age and a native of Ireland.

THE HICKEY HOMICIDE CASE-INVESTIGATION RE-NEWED .- After an adjournment of nearly two weeks Coroner Connery yesterday renewed his investigation Michael Hickey, the Custom House porter, who died from a stab inflicted in the abdomes on the night of the 2d instant, while attending a political meeting, at the hands of some person yet unknown to the public.

Several witnesses were examined, but like others who called upon soon after Hickey died, knew little or acthing of the matter. The Jury seem to fully believe that a number of persons (some of whom have given in their evidence) know to a certainty who inflicted the fatal blow; but all the witnesses, even those who fees to be totally ignorant of all facts which might tend to throw light upon the affeir and point to the guilty man. The following is the evidence taken yesterday:

Chancey Edwards, being daly swarn, deposes and saye...

mestacked to the Servotecock Product Police; I was at the

binni McKewerer) and he believed it was the same one who stabbed Heikery. His stabbed near where McKewer is absoluted Hiskery was stabbed near where McKewer is absoluted. I was standing in Mr. Smith's house; the first of the row that I heard was of a number of men the first of the row that I heard was of a number of men coming into Smith's secuniarly much excited; McKewer was in the house when the men came in; Illeky came in some incree minutes after; he was standing with his back next to the counter; he said that he was stabbed; I heard him say that Hickey was stabbed in the middle of the street, between the platform and the corner; McKewer came into Smith's about 5 or 10 minutes before a number of men rushed in; Hickey came afterward and said he was stabbed; I did not hear, neither do I know who stabbed Hickey. A did not hear that ether Larkin or Bead stabbed Hickey.

Patrick Brady, being duly sworn, deposes and says—I live on the south-west corner of Fourteenth street and First avenue; I was at the Democratic meeting on the night of the 21 of September in the Seventeenth Ward; I was one of the bystanders on that night; I was on the platform; I as we suffing for the lights; I saw no ble we; I saw no stones thrown; I saw a rash toward Smith's porter house; I saw McKewer that night, about hif an hour before the meeting commenced; McKewer was, I heard, in Smith's house at the time of the row; I don't know acything about the fight, or who stabbed Hickey; McKewer was of a hasty temper, and relight asy things when druck that never occurred; I saw meating and sisuffing that night, but no blows; Larkin knows no more than I do.

Jehn McGenigle, being duly sworn, deposes and says—I live

thow no more than I do.

John McGanigle, being duly sworn, deposes and says—I live
t No. 17! East Sixteenth street; I know nothing about who
tabbed Hickey, neither did I hear who did it; I don't know
sither Mulligen, Murtanh, or Morris Bruderick; I heard that a
person named Reilly was engaged in the row of that night;
le lives in East Twelth street; if I know who stabbed Hickey
would tell it; I waw McKeever that night; I did not see him in
the now.

The further investigation will be continued to-day, and Coroner Connery intends to bring it to a close after examining a few more witnesses.

Supper DEATH .- About 111 o'clock on Sanday SUDDEN DEATH.—About 114 o'clock on Sunday night Miss Caroline C. Koersing, who resided with her relatives at No. 48 Third street, retired to rest in a cheerful mood and apparently was enjoying the best of health. The following morning at 6 o'clock she arose, and was heard moving about in her room, but not making her appearance. Mrs Bailey, a sister, some two hours afterward went to the room to call her to breakfast, and found her lying on the bed, life being extinct. Coroner Gambie was called to hold an inquest, when Drs. Finnell and Weltje made a post-mortem examination. In their opinion death was caused by disease of the heart, and the Jury rendered a verofict to that effect. The deceased was a bighly respectable lady, 49 years of age, and a native of New-York. Several other members of the same disease.

ASSAULT UPON a NEGRO.—Late yesterday afternoon a difficulty occurred in the tenant house No. 265 Delancey street, occupied by colored families, between David J. Warren and William Albert, but from what cause did not transpire. During the quarrel Albett drew a knife or some sharp, heavy weenon, and arruck Warren several violent blows upon the head, which nearly removed the scale from the skull. Warren was removed to the Hospital, when the physicisms found that they could, without trouble, remove the scalp. The injuries are considered dangerous. Albert ran off, and has thus far evaded pursuit.

FATAL FALL FROM A WINDOW .- Coroner Gamble FATAL FALL FROM A WINDOW.—Coroner Gamble Mary Ann Flynn, a little girl five years of age, who died from the effects of injuries received by a fall. On Sunday avening Mrs. Flynn, the mother of deceased, who resides at No. 274 First avenue, put her two children to bed in a fourth story room and fastened the door, after which she left the house on an errand. Soon after going to bed, the little girl, as would appear, raised one of the windows and fell to the ground, thereby receiving a fracture of the skull, which resulted in death some two hours afterward. The Jury remiered a verdiet of "Death "by fracture of the skull, caused by falling from the fourth "story window of the house No. 347 First avenue, Sept. 27, "1837."

ARREST OF BURGLARS.—Yesterday morning be tween 4 and 5 o'clock, Officers Tummey and Flaher of the Six teenth Frecinct, while passing along Fifte-enth street, discovere threesuspicious looking men coming out of a vacact lot. Upo search being made, they discovered a large bundle of cost wearing apparel, valued at about \$400. The men were streed, and gave their names as Simon Taylor, Thomas Stephen and Edward Dodigan. Upon searching in the vicinity, too of cers found that bouse No. 232 West-Fifteenth street had bee entered by forcing a door in the rear, the occupants, Matthet Campbell and family, being absent in the country. The houshad been theroughly ransacked, and a large quantity of good had been packed up for removal. Taylor was discharged Stephens was committed, and Dodigan was held to ball in the sum of \$1,000, to answer.

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A full-length PORTRAIT of FREZZOLINI, life size, has just been added to the collection at Brady's Gallery, No. 359 Broadway.

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Taken at Root's, No. 333 Broadway, are becoming immensel popular. They give universal satisfaction, on account of the high artistic merit combined with perfect truthfalness. These pictures possess a delicary and beauty of finish unstitationed the most slaborate productions of the pencil. Decorption of the pencil of the pen

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PHOTOGRAPH—Now Withstanding the assertion in the public prints to the contary, the first full-length, life-size, untouched PHOTOGRAPH ever made in the world, was executed by J. GURNEY, and can be seen at the Fair of the American Institute Crystal Palace. Also examine the matchless callection of PHOTOGRAPHS, finished in Oil (full-length and life-size, or canvas). Pastel, Ayurerlli, India fak and Grayon, Importa Rob-i-Noer and Plain PHOTOGRAPHS, HALLOTYPES and DAGUERRHOTYPES, executed in the most stristic manner, by a corps of talented attists, under the personal supervision of J GURNEY, Photographic Artist, No. 549 Broadway.

The Wonder of the Age is the beautiful (and whelly unparalleled in this country) collection of Living riss and MARINE VRGETATION, both sait and fresh water, now exhibiting as The Aquarium at BARNUM'S MUSICIM. Nothing of the kind has ever been seen before in this country.

CHERRY VALLEY FEMALE AGADEMY, Cherry Valley, N. Y.—Neat session begins on 5th of November. For Cashingure apply to RIPLEY & Co., No. 244 Pearl-st., New York or address the Principals.

C. G. HARRLTINE, Principale. [Advertisement.] TAYLOR'S

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GNO. SAUNDERN'S METALLIC TABLET STROP, the oldest and most approved article in use, having been before the public the isst 55 years. The genuine can be obtained of J. & S. SAENDERS, Store only at No. 7 Astor House.

"THE SONS OF TOIL."-J. F. Poole's ne drama made a decidedly favorable impression at PURDY'S NATIONAL TREATER last night. It will be reposted THIS EVEN-ING. With the pantonime of 'PONGO, THE INTELLIGENT APE," and the comedy of "IN AND OUT OF PLACE." Mr. J. H. Allen, Mr. G. L. Fox. Mrs. H. F. Nichols, Mr. S. E. Aiken. Miss Junia Daly, the Deuler Brothers and the whole company appears.

We have no hesitation in saying that Consumption can always be a 'leviated, and in a great many cases cured, simply by the use of Dr. Wistark's Wild Cherry Balsan. Its healing influence over the dissensed organs is truly wonderful. None genuine except signed I. Butts on the wrapper.

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Mothers and nurses will had FONTAINE'S CREAM OF WILD
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GAS, GAS.—Some new and beautiful styles of Gas Fixture, just out for the Fall trade; also, a new Patent Gas Purifier that will save 40 per cent to the consumer. Call at our great manufacturing depot, No. 378 Broadway.

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BROOKLYN ITEMS.

DEMOCRATIC COUNTY CONVENTION .- The adjourned Democratic County Convention met at Flatbush yesterday, and, after organizing, proceeded to ballot for Superintendent of the Poor. The following is the re-

suit of the first and last ballots:

First Ballots B. H. Booth, 34; David B. Powell, 25; John A. Ross, 6; Goorge Wallace, 1; John A. White, 16; John Cavan sah, 3; James McMullett, 4; John S. Bogart, 1; Blank, 1 Total vote, 86.

Sith Ballot-Booth, 44; Powell, 37; White, 10; Cavanagh, 6.

There being no choice, and no probability of nominating a man, the Convention adjourned till next Mon day, at Holder's Three Mile House.

BROOKLYN CITY CADETS.-The fifteenth aunivereary of this company was colebrated yesterday by a street parade and brief visit to New-York. They were neatly dressed, in gray uniforms and regulation hats, and presented a fine appearance. They were commanded by Captain B. Edmonds and accompanied by Dodworth's Band. In the evening they common rated their anniversary by a diamer at Gothin Hall.

FIGHT AND RIOT ANONG FIREMEN. - A desperate fight occurred at Schneider's layer beer saloon, corner of Ewen and Messerole streets, on Sanday evening. between a number of firemen of that locality and from New York. It appears that some ten or twelve New-York firemen, mostly belonging about Fulton Market, went over to Williamsburgh to return some fire-caps they had borrowed from Eugine Company No. 7 for the parade of the evening previous. After the caps were deposited in the engine house, two or three of the members accompanied the party to Schoeider's, and at the time they entered no other persons were in the room. Immediately afterward about a dozen fellows rushed in and gave three cheers for the "Maid of Dutchtown" (mesning engine No. 4). Some words followed, when, it is alleged, one of the intruders struck one of the Fulton Market boys in the face. His friends then joined in, and soon cleared the room, chairs, lager beer mugs and all movable articles being hurled in all directions. The doors were closed, when the repulsed party, considerably augmented, attacked the building with stones, breaking in the windows, &c., and finally effected an entrance, and in turn beat and set to flight the party from New-York.

The bar-tender, a boy named Emil Kleeman, was struck on the back of the head with a tumbler and severely injured. By this time the police came up and arrested three of the New York firemen, who had secreted themselves in another part of the house, and took them to the lock-up. Yesterday they were taken before Justice Feeks, and gave bonds to appear for examination on Thursday. Complaints were made against a number of the Williamsburgh party, and warrants issued for their arrest.

About 6 o'clock last evening, a second fight occurred at the Peck slip ferry on the New York side, some of the Fulton Market boys having stationed themselves there to catch some of their opponents. It was soon stopped by the police and others.

BRUTAL AND PERHAPS FATAL ASSAULT UPON A WOMAN.-Yesterday afternoon James McShaffley and his wife Catharine, who live in Spencer street, near Park avenue, both being drunk, got quarreling. The hueband struck the woman with his fists, and then seizing a crowbar, struck her in the abdomen with such force as to cause a protrusion of the bowels. A woman who lives in the same house gave information to the Fourth Precinct police, who arrested the man, and the woman was sent to the City Hospital by direction of the Deputy-Superintendent of Police. The accused denies having beaten his wife, but the evidences are too strong against him to admit of a doubt.

BROOKLYN MORTALITY.-The total number of deaths in Brooklyn for the week ending 26th inst., was 138. Of these, 68 were males, 70 females; men 13, boys 54, women 21, girls 49. The principal diseases were consumption, 21; marasmus, 18; cholera infantum, 16; convulsions, 12; diarrhes, 7; disease of the brain, 6; dysentery, 4; croup, 5; scarlet fever, 3; whole number, 58 were under one year of age, and from 1 to 2 years, 28. Of natives of the United States, there were 111; Ireland, 12; England, 4; Germany, 8; Scotland, Holland, and New-Brunswick, 1 each.

THE COMMON COUNCIL—Soveral members of the Common Council met last evening, but the majority being engaged at political Conventions, there was no quorum, and the Board adjourned till next Monday evening.

ATTEMPTED RAPE. - Michael Mangin a man about ATEMPTED RAPE.—Michael Mangin a man about 40 veers of age, was arrested on Sinday evening by Officer McGree of the Third District on a charge of assisting in violating the person of a little girl about twelve years of age, named Mary Ann Dunn. She was returning home through Warren street about 11 o'clock in the evening, when she was seized by a man who, with the assistance of the prisoner, dragged her into a vacant lct and attempted to outrage her. Her cries attracted the attention of the neighbors, and resulted in the arrest of the prisoner. The other person excaped. The accused was held to await examination and the arrest of the other party.

NEW-JERSEY ITEMS.

REVIEW .- A review of the Military Companies of Monmouth County, N. J., came off on Saturday last at Freehold. The troops were reviewed by Governor Newell. They presented a fine appearance. The number of strangers in town was very large, in conse quence of this review and the excitement felt in regard to the Sea-View murder case.

LAW INTELLIGENCE.

Seventy suits were begun this morning in the Sa preme Court to collect the scholarship notes of the Antioch College, by Francis Palmer, esq., President of the Broadway Back, who is the assignee of the Col-

As the notes were given in consideration of free tuition in the College, a difficult question arises as to how far they are collectable now that the consideration has failed by the faiture of the College and of the notes will be tried to be enforced on the ground that they are certificates of stock and their holders stockholders in the institution, and liable to twice the amount of their notes under the penalty laws of Ohio, where the College is located. Wm. W. Badger, esq . is retained for the College by the assignee.

SUPREME COURT-SPECIAL TERM-Sept. 23.—Before Judge Roosevellt.

In the matter of Robert W. Lowber agt. The Mayor, Aldermen and Commonalty of the City of New York.

Judge Roosevelt this morning rendered a decision in

this case, setting aside all proceedings subsequent to the complaint, and allowing a new answer to be filed and served. The following is the opinion and decision: and served. The following is the opinion and decision:

A judgment has been entered up (by collusion, it is alleged, on the part of the public authorities or some of them), in the records of the Court, on the report of a referce, for about \$200,000, to be levied, of courts, out of the property of the city, including whatever funds may come into the treasury from taxation, to the great prejudice of the citizens generally and especially of those whose earnings are to be assessed to satisfy this unjust demand.

funds may come into the treasury from taxation, to the great prejudice of the citizens generally and especially of those whose earnings are to be assessed to satisfy this unjust demand.

On an affidavit of the facts, as he understood them, the Controller of the city then applied to one of the Judges of the Court and obtained an order to stay all further proceedings, and to compel the parties to show cause why the judgment so entered should not be set aside and a proper defense be made to the action.

At the day appointed cause was accordingly shown, and a large portion of a week was consumed in its discussion. Among other papers presented by Mr. Lowber's counsel, and relied on by him, was a written document, prepared in open Court, signed "Richard Basticed, attorney for defendants, and John M. Barbur, "attorney for plaintiff," dated after the order to show cause, whereby it was stipulated that the motion made herein to let the defendants into a further defense in said cause, and to amend their answer therein, be denied. This paper, as it appeared to the Court, was of itself wholly insufficient for the purpose in tended; and while furnishing no adequate ground for denying the motion for relief, it suggested the most conclusive reason for permitting it to be made by the Controller, whether in his official capacity as head of the "Finance Department" of the city, or in his individual capacity of a corporator and contributor to its revenues. It showed—especially in coancetion with Mr. Busteed's affidavit—that the Aldermen and Councilmen were exposed to any defense being made, and that the "Law Department" under their direction enter-nined the same views. If, therefore, the case, as alleged, was one of gross injustice to the tax-payers, it ey had no alternative but a resort to direct indervience of behavior to both. And what officer for this purpose could be more appropriate than the chief of the "Department of Finance," having by the terms of the Common Council constitute the Corporation. The City of New York, in t

stockholders, or, as the law expresses it, the centar qui Mr. Plage, then, in both his capacities cortainly in Str. Fings, then, in oak his capacities perturbly to one or other of them, having from accessity a right to be board, the question is taking all the evidence to-gether, on both sides. What is the case presented, and is to fewficient magnitude and public importance to warrant a departure from the ordinary course of

and is it of sufficient magnitude and public importance to warrant a departure from the oximary course of indicisal action?

The expediency of establishing a great market at the foot of Seventeenth street, or the East River, was a matter purely of legislative discretion. In the agercise of this discretic—although at the instance of certain petitioners whose names do not appear in the papers before me—the Common Council, on the 15th of August, 1856, by resolution, "authorized and different of the Controller to advertise for proposals" for a block of ground, and to report the same in thirty days to the Common Council "for its further action," Among the proposals sent in was the one dated Nov. 6, 1856, from Mr. Lowber, for two blooks between Sixteenth and Seventeenth streets, east of Avenues C and D, including the buildhead on the river for \$196, 100, "free of all incumbrances except tares." And subsequently, in February of the present year, a resolution was passed by the two Beards, but neither approved on disapproved by the Mayor, "directing the Controller to purchase without delay" the Lowber low for \$196,00; "the properties of the proposals of the Mayor, of the Composition." The resolution as some and clear of all less and incumbrances except taxes and suscense of this resolution, as soon as the ten days has elapsed to render it operative without the express approval of the Mayor, Mr. Lowber immediately propose provided that the taxes and suscense to be assumed should not exceed \$2,00. On the passage of this resolution, as soon as the ten days has elapsed to render it operative without the express approval of the Mayor, Mr. Lowber immediately propared and exceuted a deed, dated and acknowledged the lots of March, and submitted it to the Corporation Counsel for his approval. It is suggested that Mr. Busteed at the time was lying on a bed of sleckness. In six days, nevertheless—a remarkale instance, certainly, of expedition in such matters—its ladorement was pro-

sickness. In six days, nevertheleest a remarkable unstance, certainly, of expellition in such matters—six indorement was procured certifying that "he had examined the title and approved of the same."

By the terms of the resolution, the Controller, it will be recollected, was to make the purchase. It was not make by the mere passage of the resolution. The Common Council were no deubt aware that a "purchase" was a contract, and that all contracts in such cases were required by haw (see, 2), act of 1869 to be made "by the appropriate heads of departments. The Common Council as they did, might direct the Controller to make a centract, and, if without good cause he refused, they might (through the Court) compe him by mandamas. But until he made or was compelled to make the contract, no contract existed, and natther Lowber nor the city was bound. Lowber, notwithstanding, without consulting the Controller, and seemingly considering his intervention, and any financial difficulties which he might suggest, such, for instance, as an entir treasury, without mover to "appropriate," or a recent indicial decision against the title as matters of no consequence, municipally considering his intervention, and any financial difficulties which he might suggest, such, for instance, as an entir treasury, without mover to "appropriate," or a recent indicial decision against the title as matters of no consequence, municipally considering his indevention and any financial difficulties which he might suggest, such, for instance, as an entir treasury, without mover to appropriate," or a recent indicial decision against the title as matters of no consequence, municipally considering his indicate the consideration mover. And although, as he admits in his complaint, both the Mayor and the Controller "wholly refused to accept and freedy of any matter as well as a controller of the consideration has been admitted in the complaint, both the Mayor and the Controller "wholly refused to accept, and receive the said deed or such "stoke middle and

In the applications cannot the plannis's adiabatic express it. It makes the proposes "—was enormously exagerated. But the more decisive objection—unanswerable, as it seems to me, in every view of the case—is the fact that long before the Law Department gave its certificate, the Superior Court at Special Term, as respects more than two-thirds of the property, had in effect pronounced the title bad. Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that Mr. Lowber's counsel, it is true, while admitting that the decument signed by him and his sesseciate. The case referred to is now before the General Term of the Superior Court for review; and its decision (when rendered) may throw further light upon the subject, if the Court find it necessary to determine the question. Stranges at my we come a strangeness only the account meesative in represent of business upon him, and the connequent incessity of relytes upon professional cierks and assistant embitted and been elaborately a rune down the connection that the counsel thought it might, did "tarvow further light on the subject." It affirmed the decision of Mr. Justice Hodman, and show of that though Mr. Lowber's counsel did. "The connect the "subject." It affirmed the decision of Mr. Justice Hodman, and show of that though Mr. Lowber's counsel did. "The connect the "subject." It affirmed the decision of Mr. Justice Hodman, and show of that though Mr. Lowber's counsel did. "The connect the "subject." It affirmed the decision of Mr. Justice Hodman, and above of that though Mr. Lowber's counsel did. "The connect action was restricted." The connection of the connection of the connection of the

motion was denied, and now on making and filing affiliarite and papers in support of said motion, and affidants and papers in

motion was denied, and now on making and filling still said papers in supports of said motion, and still-texts and supports in supports of said motion, and still-texts and support in papers in supporting the whating to behalf of the Controller and Mr. Bushess for the defendants, and Messar. Now so not Freed, Ognored in the pissant of;

It is ordered that the judgment entered in this action be and the same is hereby set asids and variety department of this action, interposed by the call Corporation Council be and the same interby is aims and tande, together with the advantage of the call the same interby is aims and tande, together with the advantage of the call the propert and that another active in the said action to prepared by the said Corporation Council within twenty days to be approved by the said Controller, to be interposed and find it lieu of the preceding answer; unless the said Controller within thirty days from this date shall electuae be addicated and as a tax payer and corporator or otherwise, on bound of himself and others, to file an original compliant acting forth such matters and making such paties, and praying such relief in the promises as he may be alvesed.

It is understood text the above order will be immediately appealed from.

It is understood teat the above order will be immediately appealed from.

THE CENTRAL PARK RESERVOIR—THE MANDANUS AGAINST THE CROTON BOARD.

Before Julys Peanor.

In the matter of the application of the People ex ret. Wood & Dinamore agt. the Croton Aqueduct Board.

This case, which is an application for a unindamus against the Croton Board, cequiring them to rescind their decision rejecting Meers. Wood & Dinamore's bid for the construction of the new reservoir in the Central Park, came on for hearing this morning. The facts, as stated by counsel, were, that some time since the Crostated by counsel, were, that some time since the Cro-ton Aqueduct Board advertised for bids for the work of constructing the new reservoir. An estimate was put in by the relators offering to do the work for some put in by the relators offering to do the work for some five hindred and odd thousand dollars, and their esti-mate proved, on opening the bids, to be lower than any other. The estimate was, however, rejected for informality in two respects—in not being verified. This estimate was verified by the oath in writing of Dinumore, but was not verified by the oath of Wood. The estimate contained a recital at its commence-ment in these words. ment in these words:

ment in these words:

"Made by John M. Wood of the County of Camberland, State of Maine, and Samuel P. Dimmore of No. If Seventh stemes, in the City, County and State of New-York, under the name and style of Dimmore. Wood & Co."

The estimate contained a declaration, in those words:

"We, said Wood & Dimmore are the only persons interested in this estimate, and that no other person has been named has any interest in this estimate or in the contract proposed to be taken."

"We, said Wood & Dizamore are the only persons interested in this estimate, and that no other person than herein named has any interest in this estimate or in the contract proposed to be taken." The estimate was signed. "Samuel P. Dinsmore, "J. M. Wood; Dinsmore, Wood & Co."
The vanious estimates for the contract were publicly opened on the 25th of August, 1857, Mr. Dinsmore being present. It was on that day observed by some member of the Board that the bid of the relators was not verified by the affidavit of Wood, and the estimate was by the Controller, in the hearing of the Board, directed to be placed on the informal list on account of that circumstance. Mr. Dinsmore was present at this time, but Wood was not; and the sfidavits are in dispute as to whether and is what manner it was communicated to Dinsmore that the Board considered the emission of Wood's affidavit to be a defect.
On Angust 7th the Board again met for the purpose of waking an award, and it was then noticed that the estimate was sinned, "Dinsmore, Wood & Co.," in addition to the individual signatures of the bidders.

The affidavits were in conflict on the points at what time the Board adjudged the estimate defective, and when and how fully the optation of the Board was communicated to Mr. Dinsmore. But the following facts were rolled on as clearly established: I That no communication on the subject whetever was had between the Board and Wood. 2 That no written communication was made by the Board to Dinsmore. 3 That no communication was made by the Board to Dinsmore, in which he understood that the Board and Wood. 2 That no written communication was made by the Board to Dinsmore, in which he understood that the Board and Wood. 2 That no written communication of the cortrary, so far as he was apprized of the spinner of the Board to Dinsmore, in which he understood that the Board had finally decided to reject the estimate understood that the Board by Dinsmore and wood the contrary, so far as he was apprized of the opinion of the Board, the arrors

Mr. Richard Busteed followed on behalf of the Crotor Board, in an elaborate argument founded on the points published in The TRIBERS OF Saturday. At the close of his address, the Court adjourned the case to Tuesday at 1 o'clock. The argument will then be continued by David Dudley Field, esq., for the competing bidders, and by Gon. James W. Nye for the relators in reply.

General Time—Before Judges Davies, Mitchell and CLERKE.

In the matter of the kabesa corpor of Emma Augusta Cuaning-ham, ac.

This was a certiorari to examine and correct the

act of mortgage or conveyance, coinded in the form of a concreted judgment—a judgment—a the most, commelly defended, but really contessed—and of which as is this cose, the Court it self, without its knowledge guide be made to figure as the innocent section.

As a matter oldered, by the Baards of direction by watch these methods of the court can be made and those in effort codered, by the Baards of direction by watch the self-off off the proposed comment of the contest of the contes

Mr. Tomlinson will reply to-morrow when the point and arguments on both sides will be given.

MARINE COURT-GENERAL TERM-SEPT. M. Before
Judges McCarry, Thompson and Maynaus,
Bernstein agt. Lowe.
New trial granted—costs to abide event; Justice
Thompson discreting

Thompson dissecting. Woodraff agt. Creighton.

New trial granted—costs to abide the event.

Judgment affirmed, with costs—Justice To
dissenting.

dissenting.

Salmon agt. Boyer,
Judgment affirmed, with costs.

Fagan agt. Weeks.

New trial ordered—costs to abide the event.
Cark agt. Alams.

New trial ordered—costs to abide the event.

Wood agt. Smith.

Judgment affirmed, with costs.

Judgment offirmed, with costs.—Justice The

Jennings agt. Alexander.

New trial ordered—costs to abide the event.

New trial ordered—costs to abide the event.

Relly agt. Koen.

Judgment reversed, with costs.

Foster agt. Hill.

Judgment affirmed—Justice Maynard dissent

Raymond agt. Hill.

Judgment affirmed—Justice Maynard dissent

Britten agt. Hall.

Judgment affirmed, with costs.

MoSpedon agt Crumbie.

Judgment affirmed, with costs.

Porter agt. Phelau.

Judgment effirmed, with costs.

Porter ast Phelau.

Judgment of Special Term affirmed, with or

Carriery ast. Lindea.

New trial—costs to abide event.

UNITED STATES DISTRICT COURT-Sept. 11.- 80 The case of the slaver Merchant was called an postponed until to-morrow, the Government not being resident trial.

postponed until to-morrow, the Government not being for trail.

COURT OF GENERAL SESSIONS—Seer. 26.—Before Judge Russett.

THE LAST DAY OF THE TERM.

Shortly after the opening of Court, Michael Wogen, convicted of arem in the fourth degree, was called up for sentence. Wogen was convicted several days go of the aforeaside crime for setting his to the liquor store of Mr. Bearnes, the 25 Front street, on the 27d of last Fibruary. The evidence which he was convicted was purely circumstantial, and qual-loosely circumstantial at that; and the jury which he was convicted was purely circumstantial, and qual-loosely circumstantial at that; and the jury which convicted the summended him strongly to the mercy of the Court. The Court, in passing finally upon his case, referred to the facts, and also to the strong testimony to his previous socialed to suspend judgment.

James Regan, abnormaker, indicted for the unrates of his partner, Mr. Vitte, pleaded guilty to formal augusted that the question in connection with the argument of the demonstration of the more constant of the demonstration in connection with the argument of the demonstration of the strength of the strength of the strength of the form of the form of the strength of the stren

Mrs. Van Allen, arraigned for collecting money six fraudulent charities was discharged.

Mr. James R. Whiting then rose to a motion to the Court in connection with Mr. Galbraith, counsel for Beanet of The New York Herald to the effect that the papers in the Sickies suit for libes, at present in the hands of the Di trick. Atterney, and about to be laid before the Graad Jury, be seen back to the police magistrate, that the morite of the case may be rexamined. The Assistant District Attorney opposed the motion, chiefly because it had been aprung upon the presentation, and be wished time to accretion whether the statements for the orients were strictly as represented. Mr Sedgwich also argued, which was admitted by Counsel for the defense, that the decrees had wrived an examination before the magistrate whe had feres had wrived an examination before the magic issued the warrant. A few light passages then tween "Little Bitters" and the (listict Attorney, Russell decided that the papers be sent back to a son, who issued the starrant.

The Court then adjourned for the term.

COURT OF SPECIAL SESSIONS—Sept 28.—Sefere Justices
Osnous and Baowsett.
The Calender this morning was comparatively lights
—comprising but 33 prison cases and 12 ball cases—in
all just 50.

Henry Williams was agraigned for stealing a pair of

theory we minima was arranged for stealing a pair of dressed chickens, worth 75 cents, from Stant No. 26 Washing-ton Market, on the complaint of George Matthews. The se-cent of pleaced gully to the charge. Justice Osborn to pricesser. What did you do this for? Prisoner—I conduct help it. Jus-tice Osborn—Oh, you needn't tell us that; you are as old birds; you are sways hanging around the market, stealing corrything you can lay your hands on. Sentenced to the Paultentiary was four mother.

four methon.

O-car Farrington, charged with stealing a pair of gaiters and a set of lasts, and Honora Mathews, accused of stealing a wash-tub worth 70 cents, were acquitted.

Mary Mattheweon, arraymed for assault and batheys on Edwin Clarks. No. 218 Sixth avenue, and Daviel Hedge charged with stealing a quantity of spikes from the National Dock Company, Teach street, were convicted and their sectionous auspended.

John Hurtbert and Thomas Sullivan were charged with stealing, on the 25d of September, a key of white lead, with stealing, on the 25d of September, a key of white lead. with stealing, on the 23d of September, a key of w valued at \$11, from John Hosan, No 24 South street ers were cought in the act. Sent to the Penitentiary

relied at \$11, from John Houal, No a South states were cought in the set. Seat to the Panitamilary for three months.

James Leonard was arraigned for attempting to pick the nocket, on the 22d of September. of Johanna Ayre of No. 865 Second avenue, of the sum of \$4 in silver soil. Accused was detected with bits hand in complainant's poolers. Sent to the Penitentiary for three months.

Frank Knapp was arraigned for stealing a silver watch, worth \$5, from Ludwick Frank, of No. 56 Green street, and was sent to the Penitentiary for three months.

John Koler and Edward McAvoy, charged with assell and battery, by their respective wives, were both discharged at the request of the same complainants.

Edward B. Connelly was arraigned for assault and bettery, on the 23d of September, on Fredrick Welle of the Fwenty-first Presinct Police, by cutting deponent on the lag with a tinfe, while discharging its official duty. Prisons we sentenced to the Penitentiary for two months.

Dora McCaffrey was arraigned for assault and bettery on Maria Lagin, and was sent to the City Prison for thicky days.

Nancy Woods, colored, and the terror of Church street, was arraigned, on the complaint of John Saes, No. 30 Park street, for stabbing Jeremina O'Nell with a taile on the 23d of September. Sent to the Penitentiary for three assatts. Nancy Woods, colored, and the terror of Church street, was arrighed, on the complaint of John Saes, No. By Park street, for stabbing Jeremiah O'Nell with a tuile on the Edd of September. Sent to the Penticuliary for three casalts. Thomas Maker, arraigned, on the combined of Medward Johnsen of the Twenty first Ward Police, for setting level books: Martin C Connell, charged with assault and between Jacob Freshman, charged with stealing a kalle, week 50 cents were all sequitted.

Elizabeth Dodd was arraigned for stealing \$1, in silver coin, from May Fox. No. 50 Eleventh street, and considered the light September, a trunk, containing wearing appared, with about thirty deven skeins of black sewing sink, worth in a \$25, from Abraham Marks, No. 4 Baxter street. A part of \$25, from Abraham Marks, No. 4 Baxter street. A part of the Penticettiary for two mottles.

Patrick Quine was charged with assault and battery on his wife, Ann Quine, and cent to the Penticettiary for two mottles.

Medicada was charged with assault and battery on his wife, Ann Quine, and cent to the Penticettiary for two mottles.

months.

Eugene McCuddy was charged with assault and
Eugene McCuddy was charged with assault and
bettery, or the 17th of September, on James King. Nos 21 and
bettery, or the 17th of September, on James King. Nos 21 and
23 Catharine slip, and was sent to the Penitoniary for them

bettery, on the 17th of separates, the Penitsutiary for thements.

33 Catastria-silp, and was sent to the Penitsutiary for thements.

Simon Frederick, charged with assentt and battery on Jacob Kersa, was sequitted. Michael Burke, charged with the same, was fixed by The case of Francis Comor, changed with assent and but '7', was estiled.

Ceorge Letcher, Andrew Bruer, Margaret Levery, Category, Tatrick McMarus, Sarah Malorey, Hannan Roomy, Estem Patrick McMarus, Sarah Malorey, Hannan Roomy, Estem Betson Fatrick Carry, Michael Orsper, charged with account and battery, and Wir. Copeland and James McKenn, changed with larceny were new acted and their contenses suspended. The cases of Wm. Nolan and Mary Gurry, for essent and battery, were put over to Tucckay neck. That of Wm. Walsh, for the same, to Saturday next. Thus Dutcher, Than Cellind, Then Commercial Devices of the Commercial Cellind, Then Collind, Then Collind, Then Collind, Then Collind, Then Cellind, Maken, and David Levy, arraigned for some said healthy, and Feete Reinhart, John Desmond, Theo Dringson, Washington Geory, Chas Mealoy, Michael Main, John Basson at Mary McMahon, arraigned for one-size dance of witnesses.

Adjourned to 9 o'clock on Tucchedy morning.

long property. It seems to us that withing wrong